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2004 AUG 20 PM 1:53

PROBATION DEPT.
CAMPBELL S. DUNNE,
CLERK, IDAHO

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)	
)	Case No. CR-03-220-E-BLW
Plaintiff,)	
)	ORDER GRANTING
vs.)	MOTION FOR CONTINUANCE
)	
DUSTIN HOLM,)	
)	
Defendant.)	
_____)	

The Court has before it a Motion for Continuance filed by the defendant. (Docket No. 27). The defendant requests additional time so that his counsel will have adequate time to prepare for trial. Defendant's prior counsel withdrew and his new counsel needs time to prepare for trial. Counsel requests at least a sixty (60) day continuance, and the Court finds that a continuance would be reasonable given the complexities of this case.

Under all these circumstances, the Court finds that a continuance is needed to give defense counsel an opportunity to provide an effective defense. Thus, a continuance is warranted under 18 U.S.C. § 3161(h)(8)(B)(iv) which authorizes a finding of

excludable time when the refusal to grant a continuance would "deny counsel for the defendant ... the reasonable time necessary for effective preparation" Under these circumstances, the interests of justice in allowing the defense time for effective preparation outweighs the defendant's and the public's interest in a speedy trial under 18 U.S.C. § 3161(h)(8)(A).

NOW THEREFORE IT IS HEREBY ORDERED, that the Motion for Continuance (Docket No. 27) filed by defendant be, and the same is hereby **GRANTED**, and that the present trial date be **VACATED**, and that a new trial be set for **November 8, 2004 at 1:30 p.m.** in the Federal Courthouse in Pocatello, Idaho.

IT IS FURTHER ORDERED, that the period of time between the prior trial date and the new trial date be deemed **EXCLUDABLE TIME** under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS FURTHER ORDERED, that the pretrial conference shall be held on **October 28, 2004 at 4:30 p.m.** in the Federal Courthouse in Pocatello, Idaho.

All pretrial motions shall be filed by **October 4, 2004**.

DATED this 20th day of August, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
August 20, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cr-00220

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

☒ Chief Judge B. Lynn Winmill
☐ Judge Edward J. Lodge
☐ Chief Magistrate Judge Larry M. Boyle
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:
☐ Judge David O. Carter
☐ Judge John C. Coughenour
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 8-23-04

BY: 
(Deputy Clerk)